

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

AARON M. GRAY,

Petitioner,

: Case No. 2:24-cv-4016

- vs -

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

MATTHEW J. LUTZ,

:

Respondent.

DECISION AND ORDER

This habeas corpus case, brought *pro se* by Petitioner Aaron Gray pursuant to 28 U.S.C. § 2241, is before the Court on a number of motions filed by Petitioner which are decided as follows:

1. Motion to Dismiss due to Illegal Search and Seizure (ECF No. 14). This document is a copy of an original document filed in Petitioner's criminal case in Zanesville. To the extent it seeks relief in the first instance, this Court lacks jurisdiction to decide motions in state criminal cases. To the extent it seeks habeas corpus relief, it is premature for failure to exhaust state court remedies. The Motion is DENIED.
2. Motion for Claim of Excessive Bail (ECF No. 15). The Motion is DENIED. To the extent it attempts to state a claim under the Ohio Constitution, this Court does not have jurisdiction over such claims. To the extent Petitioner states a claim under the Eighth Amendment, he has not shown exhaustion of available state court remedies, i.e., appeal to the relevant Ohio Court of Appeals.

3. Motion for Appointment of Counsel (ECF No. 16). The Motion is DENIED without prejudice to its renewal after exhaustion of state court remedies.
4. Motion for Judicial Notice (ECF No. 17). Petitioner asks the Court to take judicial notice of the lack of jurisdiction in the Muskingum County Court of Common Pleas. The Motion is DENIED. The rules governing judicial notice allow federal courts to take judicial notice of matters of fact, but the question of the Common Pleas Court's jurisdiction is a question of law. A claim of lack of jurisdiction is cognizable in habeas corpus, but only after exhaustion of state court remedies, which has not yet happened in this case.

October 22, 2024.

s/ Michael R. Merz
United States Magistrate Judge